

Michigan Senate Judiciary Committee

Tuesday, September 23, 2014

Public Testimony presented by Lindsay Brieschke,

Director of Public Policy, Alzheimer's Association Michigan Chapters

Senator Jones and Members of the Committee,

Good afternoon, my name is Lindsay Brieschke. I am the Director of Public Policy for the Alzheimer's Association – Michigan Chapters. Thank you for convening this meeting and allowing me the opportunity to express my support for SB 465 and SB 466.

Due to the impact of Alzheimer's and dementia on a person's ability to make decisions, individuals living with Alzheimer's disease often need the assistance of a legal guardian. The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) creates a set of rules for cases where there is a dispute between states related to adult guardianship. It determines which state has jurisdiction and allows for the transfer and recognition of guardianship orders from other states. It establishes a framework that allows state court judges in different states to communicate with each other about adult guardianship cases.

The Alzheimer's Association supports the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act as it will assist guardians through complicated issues related to inter-state cases. UAGPPJA allows for the best possible care to be provided for people with dementia who require a guardian. UAGPPJA will:

1. **Allow the transfer of guardianship orders to a new state** – as is the case when a guardian and ward move for a job transfer or change in family caregiving abilities.
2. **Clarify jurisdiction in cases involving multiple states** – such as with snowbirds that live in two different states throughout the year, a frequent occurrence for Michigan seniors.
3. **And simplify guardianship cases related to interstate health markets** – such as when a patient requires medical care in a different state or needs a guardianship order established in a new state. This circumstance is very common in Michigan's Upper Peninsula, where in some areas the nearest medical care is located across state borders.

UAGPPJA will support older residents that wish to retire and remain in our great state. Michigan courts do an exceptional job at providing guardianship orders and protecting the will of wards, yet we do not have a system for recognizing and transferring orders to and from other states. This legislation will enhance Michigan's guardianship law and will allow for the best possible care to be provided to people faced with Alzheimer's disease and dementia. If enacted, Michigan will be the 42nd state to implement this uniform law – the second most widely adopted uniform law.

Alzheimer's is the most common type of dementia. More than 170,000 Michiganders are living with Alzheimer's disease. According to the Alzheimer's Association *2014 Alzheimer's Disease Facts and Figures* report, by 2025 it is projected that there will be more than 220,000 Michiganders with Alzheimer's. UAGPPJA will allow our state to provide much needed protection and support to a growing and vulnerable segment of Michigan's population affected by this devastating disease.

Respectfully submitted,

Lindsay Brieschke, Director of Public Policy
Alzheimer's Association – Michigan Chapters

factsheet

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Adult Guardianship Jurisdiction

Alzheimer's disease can impair a person's judgment and cause disorientation, confusion and memory loss – sometimes requiring the appointment of a guardian.

- Due to the impact of Alzheimer's on a person's ability to make decisions and in the absence of other advanced directives, people with Alzheimer's disease may need the assistance of a court-appointed guardian.
- A court may appoint an individual to serve as the legal decision-maker (guardian) for another adult who, due to incapacity or other disability, is unable to make decisions for him/herself.
- Once appointed, the guardian may make decisions for the individual that relate to the person's health, well-being and economic interest.
- A 1996 estimate put the total number of adult guardianship orders in the United States at 1.5 million. Demographic trends suggest that today this number is probably higher.

Organizations Supporting UAGPPJA

Alzheimer's Association
American Bar Association Commission on Law and Aging
Conference on Chief Justices
Conference of State Court Administrators
National Academy of Elder Law Attorneys
National Council of Probate Judges
National Guardianship Association
Uniform Law Commission

The process of appointing a guardian is handled in 55 state and territorial courts.

- As a result, multiple states or territories, each with its own adult guardianship system, may have a jurisdictional interest in a single guardianship case, and it may be unclear which state court has jurisdiction to hear and decide the legal issues.
- Adult guardianship jurisdiction issues arise in situations involving snowbirds (those who live part of the year in the north and part in the south), interstate health markets, transferred or long-distance caregiving arrangements, wandering and even the rare incident of elderly kidnapping.

In response, the Uniform Law Commission developed the *Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA)*.

- The legislation establishes a uniform set of rules for determining jurisdiction, thus simplifying the process in multi-jurisdictional cases, and creates a framework that allows state court judges in different states to communicate with each other about where appropriate jurisdiction lies.
- UAGPPJA does not make any substantive changes to adult guardianship law, such as whether guardianship is appropriate or who should be awarded guardianship. It simply allows cases to be settled more quickly and with more predictable outcomes.

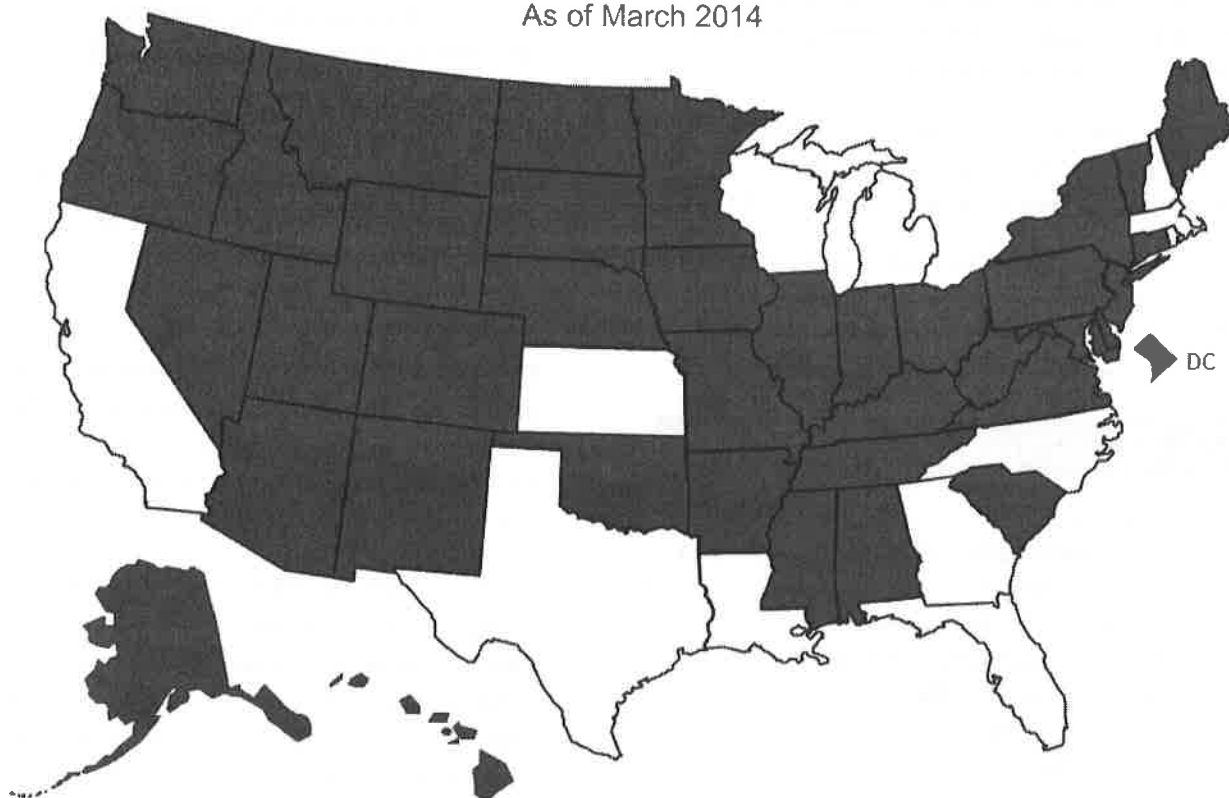
By removing jurisdictional barriers, UAGPPJA would make the process easier for the families and caregivers of those with Alzheimer's who have adult guardianship orders.

- However, to effectively apply UAGPPJA in a case, all states involved must have adopted UAGPPJA. It will only work if a large number of states adopt it.
- As of March 2014, 38 states, the District of Columbia, and Puerto Rico have enacted UAGPPJA.

Ultimately, states must increase awareness of the need for advanced planning and end-of-life issues for all seniors. UAGPPJA will move that process forward.

- The disorganized array of state adult guardianship laws and the lack of communication between states is a barrier to addressing end-of-life issues.
- Simplifying one aspect of the adult guardianship system by enacting UAGPPJA may encourage more states to dedicate increased resources to meaningful end-of-life systems change.

**States That Have Adopted the
Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act
As of March 2014**





MICHIGAN

ALZHEIMER'S STATISTICS

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Over **5 million Americans** are living with Alzheimer's, and as many as **16 million** will have the disease in 2050. The cost of caring for those with Alzheimer's and other dementias is estimated to total **\$214 billion** in 2014, increasing to **\$1.2 trillion** (in today's dollars) by mid-century. Nearly **one in every three seniors** who dies each year has Alzheimer's or another dementia.

Number of people aged 65 and older with Alzheimer's by age

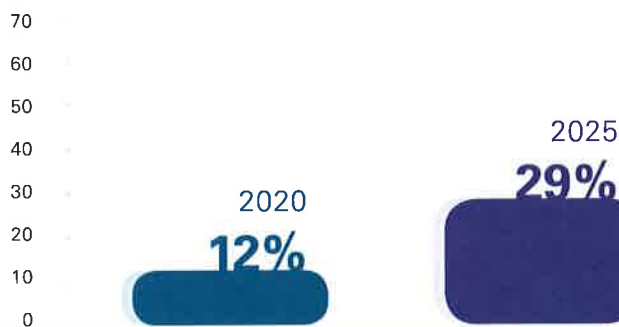
Totals may not add due to rounding.

Year	65-74	75-84	85+	TOTAL
2014	24,000	74,000	76,000	170,000
2020	30,000	82,000	80,000	190,000
2025	34,000	100,000	85,000	220,000

Percentage of seniors with Alzheimer's disease

12%

Percentage change from 2014 in the number of seniors living with Alzheimer's disease



Number of Alzheimer's and dementia caregivers, hours of unpaid care, and costs of caregiving

Year	Number of Caregivers (in thousands)	Total Hours of Unpaid Care (in millions)	Total Value of Unpaid Care (in millions)	Higher Health Costs of Caregivers (in millions)
2011	505	575	\$6,964	\$278
2012	507	577	\$7,118	\$291
2013	505	575	\$7,163	\$294

Number of deaths from Alzheimer's disease in 2010

2,736

